

Message Text

CONFIDENTIAL

PAGE 01 SANTIA 02000 162204Z

64

ACTION L-03

INFO OCT-01 ARA-16 IO-14 ISO-00 PM-07 NSC-07 SP-03 SS-20

RSC-01 CIAE-00 DODE-00 INR-10 NSAE-00 PA-04 USIA-15

PRS-01 DRC-01 /103 W

----- 086326

R 162103Z APR 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 8212

INFO USMISSION GENEVA

USMISSION USUN NEW YORK

C O N F I D E N T I A L SANTIAGO 2000

EO 11652: GDS

TAGS: CI, PFOR, SOCI, UN

SUBJ: AIR FORCE TRIAL

REF: SANTIAGO 1936

1. EMBASSY INFORMED BY RELIABLE SOURCES THAT AIR FORCE TRIAL (REFTEL) POSTPONED TO BEGIN APRIL 17 OR 18 OR EVEN LATER.

2. EMBASSY HAS OBTAINED COPY OF LINE OF DEFENSE PREPARED BY AT LEAST ONE DEFENSE LAWYER ADDRESSED TO CHARGES OF PASSING MILITARY SECRETS TO THE "ENEMY" (ARTICLE 245, CLAUSE 1) (PARA 4, REFTEL). BRIEF ARGUES ARTICLE 245 IS CONTAINED IN SECTION ADDRESSED ONLY TO CRIMES COMMITTED DURING EXTERNAL RPT EXTERNAL WAR. FURTHER, NO "ENEMY," EXTERNAL OR INTERNAL, EXISTED PRIOR TO SEPT 11, 1973, WHEN ALLEGED CRIMES WERE COMMITTED. IN ADDITION, ACTIONS OF AN "ENEMY" WOULD BE AGAINST THE STATE, WHEREAS PRISONERS ARE CHARGED WITH ACTIONS AGAINST MILITARY INSTITUTIONS. UNDER MILITARY CODE OF JUSTICE, "ENEMY" MUST BE AN ARMED MILITARY GROUP WHICH UP CIVILIAN POLITICAL PARTIES WERE NOT. FINALLY, ACT OF PASSING INFORMATION TO UP CIVILIANS (WHICH DEFENSE BRIEF TACITLY ADMITS) CANNOT BE CONSTRUED AS "TREASON." CHRISTIAN DEMOCRATIC THEORIST JAIME CASTILLO CONFIRMED THIS BASIC DEFENSE APPROACH DURING

CONFIDENTIAL

PAGE 02 SANTIA 02000 162204Z

RADIO COMMENTARY APRIL 16.

3. JESUIT PRIEST ACTIVE IN COMMITTEE FOR PEACE COMMENTED TO EMBOFF APRIL 15 THAT JUDICIAL PROCEDURES AND SAFEGUARDS OBSERVED SO FAR IN AIR FORCE LEGAL PROCESS HAVE BEEN BET YET GIVEN RESTRICTIVE NATURE OF MILITARY TRIALS. PRIEST OPINED THAT IMPACT OF ADVERSE CRITICISM OF WORLD OPINION MAY BE MAKING ITSELF FELT ON JUNTA.

4. EMBASSY HAS SEEN COPY OF LETTER WHICH EVIDENTLY APPEARED NEW YORK TIMES APRIL 15 FROM CHARLES O. PORTER ON BEHALF OF "FAIR TRIAL COMMITTEE FOR CHILEAN POLITICAL PRISONERS." LETTER RECOUNTS COMMITTEE'S EFFORTS TO IMPRESS ON GOC NEED FOR FAIR PROCEDURES, CITES PROBLEMS FACING DETAINEES, BUT SEES SEVERAL OPTIMISTIC SIGNS. POPPER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, CRIMES, INFORMATION SECURITY, PRESS COMMENTS, AIR FORCE, COURTS MARTIAL, POLITICAL PRISONERS, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SANTIA02000
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740088-0120
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740439/aaaabjdx.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: SANTIAGO 1936
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by rowelle0>; APPROVED <26 MAR 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AIR FORCE TRIAL
TAGS: PFOR, SOCI, CI, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005